

James H. Weingarten, DC Bar No. 985070
Peggy Bayer Femenella, DC Bar No. 472770
James Abell, DC Bar No. 990773
Cem Akleman, FL Bar No. 107666
Meredith R. Levert, DC Bar No. 498245
Jennifer Fleury, NY Bar No. 5053178
James Gossmann, DC Bar No. 1048904
Edmund Saw, NY Bar No. 5680293
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel: (202) 326-3570
jweingarten@ftc.gov; pbayer@ftc.gov;
jabell@ftc.gov; cakleman@ftc.gov;
jfleury@ftc.gov; mlevert@ftc.gov;
jgossmann@ftc.gov; esaw@ftc.gov

Erika Wodinsky, Cal. Bar No. 091700
90 7th Street, Suite 14-300
San Francisco, CA 94103
Tel: (415) 848-5190
ewodinsky@ftc.gov

[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP.

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-2880

**[PROPOSED] ORDER ON PLAINTIFF
FEDERAL TRADE COMMISSION'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

[PROPOSED] ORDER ON PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-CV-2880

With respect to information that Defendants Microsoft Corporation (“Microsoft”) and Activision, Inc. (“Activision Blizzard”) or a non-party designated as Confidential pursuant to the Protective Order As Modified by the Court in the above-captioned matter (Dkt. No. 170), Plaintiff Federal Trade Commission (“FTC”) has filed an Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (“FTC’s Administrative Motion”) in connection with its filing of a Bench Brief Regarding Defendants’ Proffered Testimony Regarding Microsoft’s Agreements. The FTC, in accordance with Local Rule 79-5(c)(3), identified “in table format each document or portion thereof that is sought to be sealed,” namely:

Document	Portions to Be Filed Under Seal	Designating Party
Plaintiff’s Bench Brief	Page 1, lines 26-27	Nintendo
Plaintiff’s Bench Brief	Page 2, line 8-19	Microsoft
Plaintiff’s Bench Brief	Page 2, line 21-26	Nintendo
Plaintiff’s Bench Brief	Page 2, line 27	Microsoft
Plaintiff’s Bench Brief	Page 3, line 1-14	Microsoft
Plaintiff’s Bench Brief	Page 3, line 26-27	Microsoft
Exhibit A	Entire document	Microsoft

Having considered the FTC’s Administrative Motion;

IT IS HEREBY ORDERED that the Administrative Motion is:

☐ GRANTED IN ITS ENTIRETY. The unredacted versions of the FTC’s Bench Brief and Exhibit A in its entirety shall remain under seal.

☐ DENIED IN ITS ENTIRETY. Plaintiff FTC shall file a complete unredacted version of its discovery responses within 7 days entry of this Order.

1 [] GRANTED/DENIED IN PART. Plaintiff FTC shall file a revised redacted version of
2 discovery responses, redacting only the information contained in the following specified
3 paragraphs within 7 days of entry of this Order.

4
5 Dated: _____, 2023

6 Honorable Jacqueline Scott Corley
7 United States District Judge
8 Northern District of California
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27